

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 13316

PERMIT 8090

LICENSE 7245

**ORDER ALLOWING CHANGE IN THE PURPOSE OF USE,
PLACE OF USE AND AMEND THE LICENSE**

WHEREAS:

1. License 7245 was issued to Skyline Ranch, Inc. and was recorded with the County Recorder of Santa Clara County on May 7, 1965 in Book 6949, Page 350 and with the County Recorder of San Mateo County on May 6, 1965, in Volume 4947, Page 424.
2. License 7245 was subsequently assigned to Midpeninsula Regional Open Space District.
3. A petition for change in purpose of use and place of use has been filed with the State Water Resources Control Board (SWRCB) and said Board has determined that good cause for such change has been shown.
4. The SWRCB has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

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5. On September 30, 1993, an inspection was conducted at the project site by the SWRCB staff. It was determined that the habitat for the area is conducive for the federal and state endangered San Francisco Garter Snake (*Thamnophis sirtalis tetratenia*) and a mitigation term should be added to License 7245.
6. The license condition pertaining to the SWRCB's continuing authority should be replaced with the current version to agree with Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The purposes of use under this license shall be as follows:

Fish and Wildlife Enhancement

2. The place of use under this license shall be as follows:

Fish and Wildlife Enhancement at the reservoir (Rickey Lake) within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, and the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22, T7S, R3W, MDB&M.

3. The amount under this license shall be as follows:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 44 acre-feet per annum to be collected from October 1 of each year to May 1 of the succeeding year.

(0000005)

4. A mitigation condition be added to License 7245 to protect the endangered San Francisco Garter Snake as follows:

For the protection of the endangered San Francisco Garter Snake (*Thamnophis sirtalis tetrataenia*), the permittee shall maintain a minimum 150-foot wide buffer zone of native vegetation along the edges of the reservoirs. The only developments allowed in this zone are the nature center at Alpine Reservoir and the nature trails to be no wider than ten feet along the edges of the reservoirs.

(0400500)

5. The following condition is added to this license:

After the initial filling of the reservoir, licensee's right under this license extends only to water necessary to keep the storage reservoir full by replacing water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season.

(0000040)

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6. The license condition pertaining to the SWRCB's continuing authority, in compliance with Section 780(a), Title 23 of the California Code of Regulations, shall be amended to read:

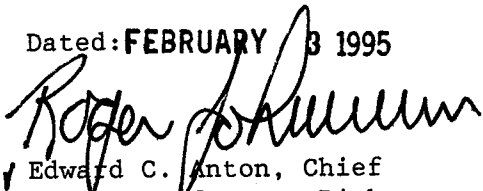
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: FEBRUARY 3 1995

for 
Edward C. Anton, Chief
Division of Water Rights

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STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 13316

PERMIT 8090
Skyline Ranch, Inc.
c/o S. Straton
903 Park Avenue
New York, New York

LICENSE 7245

THIS IS TO CERTIFY, That

bas made proof as of June 25, 1963,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
an unnamed stream in San Mateo County

tributary to Peters Creek thence Pescadero Creek

for the purpose of irrigation and stockwatering uses
under Permit 8090 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from August 26, 1949,
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed forty-four (44) acre-feet
per annum to be collected from about October 1 of each year to about May 1 of
the succeeding year.

The maximum withdrawal in any one year has been 40 acre-feet.

The point of diversion of such water is located :

North two thousand two hundred (2200) feet and west one thousand five hundred
(1500) feet from SE corner of Section 22, T7S, R3W, MDB&M, being within NW $\frac{1}{4}$ of
SE $\frac{1}{4}$ of said Section 22.

A description of the lands or the place where such water is put to beneficial use is as follows:

Stockwatering at reservoir within SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and NW $\frac{1}{4}$ of
SE $\frac{1}{4}$ of Section 22, T7S, R3W, MDB&M, and irrigation of:

5 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21, T7S, R3W, MDB&M.
5 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, T7S, R3W, MDB&M.
5 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22, T7S, R3W, MDB&M.
5 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22, T7S, R3W, MDB&M.

20 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

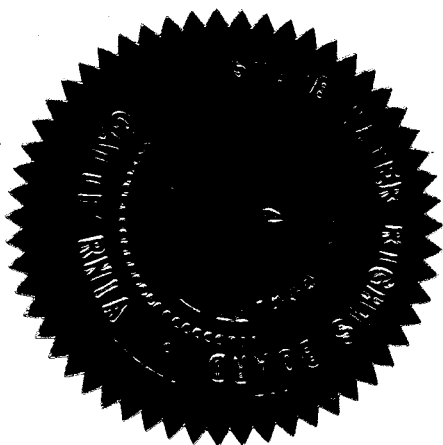
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MAY 5 1965



L. K. Hill
L. K. Hill
Executive Officer

*4-13-83 Midpeninsula Regional
Open Space District*

LICENSE 7245
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Skyline Ranch, Inc.

MAY 5 1965

DATED

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JAN 20 '65 W.G.P.